

UNITED STATES DISTRICT COURT
FOR THE STATE OF MARYLAND

DKC 16CV1792

JIM GRAY
6805 Valley Park Road
Seat Pleasant MD 20743

Plaintiff

v.

Case No. 14-CV-002939(DKC)

WASHINGTON METROPOLITAN AREA
TRANSIT AUTHORITY
600 5th Street, N.W.
Washington .DC 20001

Defendant

RECEIVED IN THE CHAMBERS OF
DEBORAH C. MCKINLEY
MAY 25 2016
UNITED STATES DISTRICT JUDGE

COMPLAINT FOR INJUNCTIVE RELIEF

1. This is an action under the Freedom of Information Act, 5 U.S.C. § 552, for injunctive and other appropriate relief and seeking the disclosure and release of agency records improperly withheld from plaintiff by defendant Department Washington Metropolitan Area Transit Authority Jurisdiction and Venue 2. This Court has both subject matter jurisdiction over this action and personal jurisdiction over the parties pursuant to 5 U.S.C. § 552(a)(4)(B). This court also has jurisdiction over this action pursuant to 28 U.S.C. § 1331. Venue lies in this district under 5 U.S.C. § 552(a)(4)(B).

Jurisdiction and Venue

2. This Court has both subject matter jurisdiction over this action and personal jurisdiction over the parties pursuant to 5 U.S.C. § 552(a)(4)(B). This court also has jurisdiction over this action pursuant to 28 U.S.C. § 1331. Venue lies in this district under 5 U.S.C. § 552(a)(4)(B).
3. Plaintiff is a private citizen of the State of Maryland and the United States with a personal interest in the information requested, which involves the violation of his Constitutional and Civil right by the WMATA.

4. Defendant WMATA is a part of the United States Government, and includes component entities is an agency within the meaning of 5 U.S.C. § 552(f).

The WMATA conducting of traffic stops outside of it jurisdiction

5. On July 22, 2011 at 1702hrs Plaintiff was stopped by (3) Uniformed Metro Transit Police officers one of which was Thompson, A ID # 0645 and detained against his will I received the following citation number (GW09304 & GW0905).
6. July 30th 2013 at approximately 1656 hours while traveling westbound on Central Avenue in the city of Capitol Heights Maryland Plaintiff was driving his blue dodge Durango in the number 2 lane I passed 2 Metro transit police unit approximately at 7306 block of Central Avenue still traveling west, the 2 Metro transit police units we're traveling in the number 3 Lane of Central Avenue Westbound also. It was at this time that I noticed that the Metro transit police unit had change lanes and was now following very very close behind me at which point he activated his overhead lights and siren, at which point I pulled over coming to a stop at the intersection Pepper Mill drive and Central Avenue in the City of Capitol Heights Maryland, and detained against my will I received the following citation (HE95254 & HE95256).
7. On October 10, 2013 my drivers License was suspend as a result of the falsely issued citation of the officers of the WMATA police force, and concealed by the management of the WMATA.

Plaintiff's FOIA Request and Defendant's Failure to Respond

On about October the 29th 2015 I received a response to my FOIA request from WMATA dated October 23, 2015, the first thing I would like to point out is the fact that the agency response was well pass the (10) days given to respond to a request with a denial letter.

The second thing I would like to point out is that the WMATA was well pass the (30) days by law that they had to respond to the request dated September 03, 2015 and delivered to their office September 11, 2015.

The third thing I would like to bring to the courts attention is the fact the WMATA plans to redact the names and ID numbers of the officer due to PARP 6.1.6, 6.1.7(C) (personal privacy), the fact that the name of the officers are displayed every day they are on duty as part of their uniforms and their ID number is also their badge number which is also openly displayed to the public when on duty for the WMATA to claim personal privacy in this matter is a veiled attempt to obstructed service.

Under Maryland Traffic Citation Issuing Uniform Complaint & Citation Index Code: 1937 effective date: 10-23-08 line (T) states that the officer must print legibly on the citation; if this had been done we would not find our selves at this point now. The WMATA fees are totally unreasonable in this matter I am requesting a copy of a page from their training manual which states what the officer jurisdiction is, and a copy of a police report which I can request for any other police agency in the tri-state area and receive the same day, this goes against the practice of every other law enforcement agency in the tri-state area.

I would like to point out the fact that the WMATA had notice of these events on the flowing dated.

July 30, 2013 traffic stop request for supervisor (no response).

August 15, 2013 notification via WMATA web site of incident (no response).

April 29, 2014 Demand Letter to Mr. Richard Sarles response from Deputy Chief Kevin P. Gaddis (no finding of investigation supplied).

July 24, 2014 request to Deputy Chief Kevin P. Gaddis for names of officers, and information regarding investigation (no response).

August 5, 2015 renewed request for information under MPIA (response did not meet request standers for WMATA policy to request information).

September 3, 2015 renewed request for information under MPIA.

I am requesting:

- 1) The name's and mailing address/ Officers ID numbers of all (3) officers involved with my traffic stop on July 30, 2013 at 1653hrs.
- 2) The name and mailing address/ Officers ID number of the responding supervisor regarding the traffic stop on July 30, 2013.
- 3) The name and mailing address of the dispatch person that I called into on the above stated date.

- 4) The finding of the investigation, which you stated was being conducted which Deputy Chief stated the finding would be supplied.
- 5) A copy of MTPD jurisdiction policy for traffic stops.
- 6) A copy of any logs and officers reports regarding this matter.
- 7) Any communications regarding the July 30, 2013 traffic stop of me by MTPD offices.

Request for Relief

WHEREFORE, plaintiff prays that the Court:

- A. Orders defendant to disclose the requested records in their entireties and make copies available to plaintiff.
- B. Provide for expeditious proceeding in this action.
- C. Grant such other relief as the Court may deem just and proper.

Respectfully submitted,

